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October 18, 2019

Hon. Gabriel W. Gorenstein  
United States Magistrate Judge  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007  
Via ECF and fax to (212) 805-4268

Re: Kihara Kiarie and Kihara Kiarie Revocable Trust v. Dumbstruck, Inc.,  
Peter Allegretti, Michael Tanski, and Jeff Tetrault  
Case No. 19-CV-827  
(ALC) (GWG)

Dear Judge Gorenstein,

I represent all Defendants in this matter, and I respectively write to request court approval for an extension of certain deadlines contained in the current Scheduling Order. Plaintiff's counsel consents to this request.

This is an action for alleged breach of an employment contract, alleged violation of wage laws, and alleged breach of contract concerning an investment into Defendants Dumbstruck, Inc. The parties have already exchanged a large volume of paper discovery. Specifically, the parties have exchanged initial disclosures; each party has answered interrogatories; and each party has produced thousands of pages of documents. However, we have not been able to schedule depositions, and we will not be able to do so prior to the time required by the current Scheduling Order – December 2, 2019 (Doc 28, par. 3.c and 3.d).

Our scheduling difficulties result from two items. First, I am scheduled to commence a lengthy trial in the New York State Supreme Court, Albany County on October 28. This case is expected to require three to four weeks for trial, and has required an enormous amount of preparation time. Second, I changed firms seven weeks ago, and the transition of my practice has been very time consuming.

October 18, 2019  
Page 2



Given these circumstances, we respectfully request the following extensions of dates of the Scheduling Order:

Par. 3.c: The parties will complete depositions on or before **January 15, 2020** (an extension from December 2, 2019)

Par. 3.d: All non-expert discovery shall be completed by **January 15, 2020** (an extension from December 2, 2019)

Par. 3.e: All disclosures of the identities in reports of experts required by Rule 26(a)(2) shall be made no later than **February 15, 2020** (an extension from January 3, 2020). Any rebuttal report is due by **March 15, 2020** (an extension from January 31, 2020). The depositions of experts shall be completed no later than **April 15, 2020** (an extension from February 28, 2020).

Par. 3.f: Pre-trial motions, if any, will be filed no later than **May 15, 2020** (an extension from March 27, 2020). If no such motions are contemplated, the parties will submit a joint pre-trial order in accordance with procedures of the Judge before whom the trial will be conducted no later than **May 15, 2020** (an extension from March 27, 2020).

There have been no previous requests for time extensions under the Scheduling Order. Plaintiff's counsel has indicated that Plaintiff will not oppose this application.

If the court has any questions with respect to this request, I would be happy to address them. I appreciate the court's courtesy and attention to this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "C. Massaroni", with a long horizontal flourish extending to the right.

Christopher Massaroni  
(CM-1021)

cc: Maurice Heller (via e-mail)